

U.S. Department of Justice  
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF Samuel Mendez CY-7322	COURT CASE NUMBER CA 05-35 E
DEFENDANT Pa. Dept. Of Corrections	TYPE OF PROCESS 42 U.S.C. §1983

<b>SERVE</b> ➔  <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Jeffrey A. Beard
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 2520 Lisburn Rd, P.O. Box 598, Camp Hill, Pa. 17001

SEND NOTICE OF SERVICE (COPY TO REQUESTER AT NAME AND ADDRESS BELOW):

Samuel Mendez CY-7322  
10745 Rt. 18  
Albion, Pa. 16475-0002

Number of process to be served with this Form - 285	1
Number of parties to be served in this case	4
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

**FILED**  
**SEP 06 2005**

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF  
☐ DEFENDANT
LEKK U.S. DISTRICT COURT  
TELEPHONE NUMBER OF PENNSYLVANIA

N/A

1-23-05

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service 9/1/05	Time am
---------------------------	------------

Signature of U.S. Marshal or Deputy

Service Fee ja	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges ja	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
-------------------	---	----------------	---------------------	------------------	--------------------------------	------------------

REMARKS: marked 9/10/05

AO 398 (12/93)

CA 05-35

## WAIVER OF SERVICE OF SUMMONS

TO: Samuel Mendez Pro Se  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)I acknowledge receipt of your request that I waive service of a summons in the action of Mendez v. PA dept of corrections, eto which is case number  
(CAPTION OF ACTION)CA 05-35 E in the United States District Court for the  
(DOCKET NUMBER)Western District of PA  
I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections base on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after AUG 10 2005 or within 90 days after that date if the request was sent outside the United States.  
(Date Request Was Sent)9-1-05  
(DATE)Rodney M. Torbic

Print/Typed Name

Rodney M. TorbicAs Counsel

(Title)

of PA Dept. of Corrections

(Corporate Defendant)

## Duty to avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the Court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

05-35E

BEARD